

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**November 20, 2006**

PRESENT: Tom Cowan, Chairman  
Terry Janicz  
John Olaf  
Rick Meahl  
Don Hoefler  
John Potera  
Christine Falkowski, Recording Clerk  
ABSENT: Andy Kelkenberg

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

**(1) Lot Minor Subdivision – Moore Road – Peter Kyzmir**

Peter Kyzmir, Executor for Beatrice Cummings, and his potential buyer attended. A site plan/drainage plan prepared by William Schutt & Associates was revised to reflect the locations of the boundary of the mapped federal and state wetlands. The plan also reflects the proposed finished floor elevations of the proposed house, along with existing and proposed contours. Wendel Duchscherer’s memo dated November 17, 2006 recommending a conditional approval was provided to Mr. Kyzmir. John Olaf made a motion to approve the minor subdivision with the condition that (1) Filing of a Joint Application for Permit with the NYSDEC and USACOE must be completed and correspondence from the NYSDEC and USACOE of the approved Joint Application for Permit must be provided to the Town of Newstead Building Department prior to a building permit being issued and (2) the proposed location of the house must be staked out for review by the Town of Newstead Building Department prior to construction, seconded by Rick:

|              |      |
|--------------|------|
| Tom Cowan    | -Aye |
| Terry Janicz | -Aye |
| John Olaf    | -Aye |
| Rick Meahl   | -Aye |
| Don Hoefler  | -Aye |
| John Potera  | -Aye |

**Change in Use – 13760 Indian Falls Road (portion of) – Dwayne Sarow & Peter Henley**

Dwayne Sarow attended. Mr. Sarow has been working in the field of salvage for 15 years. He would like to rent out two bays of the three-bay northerly portion of the Northeast Caissons industrial-zoned building. He plans to do indoor recycling of metal plumbing materials and scrap. Metal is brought to him pre-sorted, or else he sorts it in boxes. He already has a customer base. He ships out the recycled metal in semi loads, which pull right into the building and take it directly to the mills. He does not recycle demolition materials, fluids, gases or cars, nor does he do any dismantling. He will have no evening hours and may hire one employee in the future besides himself. He plans to put up a sign that says “Akron Alloy”, for which he will need a sign permit.

John Olaf made a motion, seconded by Terry, to approve the change in use with the following conditions:

- (1) recycle metal only
- (2) no dismantling
- (3) no outdoor storage
- (4) no fluids
- (5) no hazardous materials
- (6) no loaded vehicles to remain outside longer than 24 hours

|              |      |
|--------------|------|
| Tom Cowan    | -Aye |
| Terry Janicz | -Aye |
| John Olaf    | -Aye |
| Rick Meahl   | -Aye |
| Don Hoefler  | -Aye |
| John Potera  | -Aye |

**(1) Lot Minor Subdivision – Utley Road – Clayt Ertel**

Clayt attended the meeting representing Gladys Fitzsimmons, owner of a 12.22 acre parcel at 6340 Utley Road. The parcel has 400' of frontage and is 1,331' deep. The lot would be split in half, with the house remaining on one half, thereby creating a new six-acre building lot. Our office maps indicate NYSDEC wetlands on this site. A Wetland Delineation Report was prepared by Earth Dimensions, Inc. documenting that no wetlands were found within site boundaries or in the area immediately adjacent to the site, however, there is a possibility of a 100-foot NYSDEC Article 24 Freshwater Wetlands adjacent area that may extend onto the parcel from the west. Wendel Duchscherer reviewed the application and offered comments in a memo dated November 17, 2006.

Tom motioned to approve the minor subdivision with the condition that (1) the wetland delineation completed by Earth Dimensions be submitted to the NYSDEC for their review and comment. Also, correspondence from NYSDEC concurring with the findings of Earth Dimensions must be provided to the Town of Newstead Building Department prior to a building permit being issued, seconded by Don:

|              |      |
|--------------|------|
| Tom Cowan    | -Aye |
| Terry Janicz | -Aye |
| John Olaf    | -Aye |
| Rick Meahl   | -Aye |
| Don Hoefler  | -Aye |
| John Potera  | -Aye |

**Minutes Review**

Rick motioned to approve the minutes of October 23, 2006, seconded by John Potera:

|              |      |
|--------------|------|
| Tom Cowan    | -Aye |
| Terry Janicz | -Aye |
| John Olaf    | -Aye |
| Rick Meahl   | -Aye |
| Don Hoefler  | -Aye |
| John Potera  | -Aye |

**2007 Meeting Dates**

The Planning Board reviewed a schedule put together by Christine that minimizes Planning Board and Town Board meeting conflicts. It includes four meetings with an earlier start time for testing relative to the new State requirements for training.

**Minimum Training Requirements for Planning & Zoning Officials Effective 1/1/07**

Christine distributed information regarding the new State requirement for four hours of annual training. A Board member who does not receive the minimum training is not eligible for re-appointment the following year. There are several training options available. Wendel Duchscherer has offered testing packets through the New York State Planning Federation.

**Route 5 Rezoning**

Tom will get with Tom George to finalize how the final changes will be presented to the Town Board.

**Open Development/Flaglots – Homeowner's Association**

Tom will get with Nathan regarding Nathan's critique of the sample Homeowner's Association agreement. John Smith is preparing to apply for a major subdivision flaglot with a private road. Rick stated that the "Strickler Road Open Development" in Clarence has four lots (maximum) with curbing.

John Potera made a motion to adjourn the meeting at 8:49PM, seconded by Terry and all approved.

Respectfully submitted,

Christine Falkowski  
Recording Clerk